



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

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Trenton, New Jersey 08625-0420

www.state.nj.us/dep/landuse

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

Atlantic Cape Fisheries Inc.
985 Ocean Dr.
Cape May, NJ 08204

APR 01 2014

Re: COASTAL JURISDICTIONAL DETERMINATION

LUR File No.: 1525-14-0001.1

Activity Number: APD140001

Applicant: ATLANTIC CAPE FISHERIES INC

Block(s) and Lot(s): [166, 10] [166, 9] [171, 9] [172, 1] [172, 5] [172, 5.01] [173, 1] [173, 2]
[173, 2.01]

Point Pleasant Beach Borough, Ocean County

Dear Madam and/or Sir:

This letter is in response to your request for a jurisdictional determination for the proposed site improvements on the above referenced site within the CAFRA regulatory area in a non-qualifying municipality. Potentially applicable statutes include Waterfront Development Act (N.J.S.A. 12:5-3 et seq.), Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et. seq.) and the Coastal Area Facility Review Act, CAFRA, (N.J.S.A. 13:9-1 et. seq.).

Based on a review of the information submitted including site plans, entitled 'Plan to Accompany Request to NJDEP for Jurisdictional Determination; Block: 171, Lot: 9; Block: 172, Lots: 1, 5 & 5.01; Block: 173, Lots: 1, 2 & 2.01; Borough of Point Pleasant Beach, Ocean County, New Jersey', sheet no. C-1, sheet 1 of 2, dated 1/2/13 and prepared by Arthur W. Ponzio Co. & Associates, Inc. and a review of information as maintained on the Department's Geographic Information System the following determination is made:

Based on a review of the Coastal Permit Program Rules, the following determination is made:

(x) A Waterfront Development permit is not required.

() A Waterfront Development Permit will be required because:

- () Work will be performed at or below (outshore) the Mean High Water Line.
- () Work will be performed within 100/500 feet of the MHWL outside the coastal area.

Based on a review of the Coastal Permit Program Rules, the following determination is made:

() A CAFRA is required

(X) A CAFRA permit is not required pursuant to N.J.A.C. 7:7-2.1.

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Based on a review of the Coastal Wetlands Maps, the following determination is made:

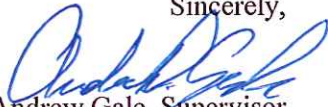
- () **Coastal Wetlands permit is required.** Coastal Wetlands are mapped on this site. Activity is proposed at or below the Upper Wetlands Boundary.
- (x) **Coastal Wetlands permit is not required.** Based on a review of the Coastal Wetlands Maps it is determined that there are no mapped coastal wetlands on site.
- () **Coastal Wetlands permit is not required.** Coastal Wetlands are mapped on this site. However, no activity is proposed at or below the Upper Wetlands Boundary.

This letter does not constitute a jurisdictional determination for the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A and the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-1.1 et seq. For assistance with the applicability of these statutes you are advised to contact the Division's Technical Support Center at (609)777-0454.

This letter does not relieve the applicant of the responsibility of obtaining any other required State, Federal or local permits or approvals as required by law and is based on the information submitted in accordance with existing regulation. This determination shall be considered null and void if the submitted information is incorrect, site conditions or regulations change.

Please contact Jeff Alpert of the Division's Technical Support Center by e-mail at Jeff.Alpert@dep.state.nj.us or (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,


Andrew Gale, Supervisor
Division of Land Use Regulation

April 1, 2014
DATE:

Cc: Bureau of Coastal and Land Use Compliance and Enforcement, Toms River
Point Pleasant Beach Borough Construction Official
Agent